State of Utah
JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

Department of
Environmental Quality

Richard W. Sprott
Executive Director

DIVISION OF AIR QUALITY
Cheryl Heying
Director

DAQ-060-08

M E M O R A N D U M

TO: Air Quality Board

THROUGH: Cheryl Heying, Executive Secretary

FROM: Robert Clark, Environmental Scientist

DATE: September 3, 2008 (REVISED)

SUBJECT: FINAL ADOPTION: Amend R307-328. Gasoline Transfer and Storage.

On May 7, 2008, the Board proposed changes to R307-328 (Gasoline Transfer and Storage) and R307-342 (Qualifications of Contractors and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Trucks) to extend Stage I Vapor Recovery requirements to all areas of Utah. R307-328 requires gasoline transport vehicles and the bulk plants and service stations which receive gasoline from them to capture vapors released during transfer operations if the throughput exceeds 10,000 gallons in any one calendar month. A Nonsubstantive Rule Change was filed for R307-342, only the title was changed.

A 30-day public comment period was held and seven public hearings were conducted throughout the state. Those attending the hearings had no comments to submit into the hearing record; however, following our explanation of the proposal at each hearing, we were able to respond to many questions from those attending regarding implementation, applicability, etc. Written comments were received from John Hill of the Utah Petroleum Marketers & Retailers Association. A summary of those comments with DAQ responses is attached. Also attached is a copy of the updated R307-328 which reflects staff responses to Mr. Hill's comments.

Staff Recommendation: DAQ staff recommends adopting the revised rule R307-328. Gasoline Transfer and Storage.

Comments received regarding Stage I Vapor Recovery from John Hill, State Director of the Utah Petroleum Marketers and Retailers Association (UPMRA)

Comment #1: The cost to install this equipment would devastate gas stations in small towns in rural Utah.

Staff response: The cost involved to modify a typical service station with three underground storage tanks ranges from approximately $1,500 to $12,000 depending on the amount of labor involved. There are 23 privately owned stations outside the Wasatch Front listed as selling less than 10,000 gallons per month, and of those, only twelve reported throughputs. Of those twelve, the average throughput was 5,520 gallons per month (based on 2005 statistics). Because of the minimal amount of VOC's recovered from these small stations, we have proposed revising the applicability section of R307-328 as follows:

> **R307-328-2(2). Applicability**
> Gasoline dispensing. R307-328 applies to the owner or operator of any bulk terminal, bulk plant, stationary storage container, or service station located in Utah *that dispenses 10,000 gallons or more in any one calendar month.*

We have also included a provision to allow stations who can demonstrate a hardship to meet the requirements may request up to two 6-month extensions to meet the requirements.

We have worked extensively with the Utah Division of Solid and Hazardous Waste Leaking Underground Storage Tank (LUST) program during the development of this program, and they have pointed out that if installation of this equipment necessitates replacement of an old steel tank, the LUST program has a low-interest loan available to assist the stations with that replacement.

Comment #2*:* The proposed rule is stricter than the federal rule for Stage I vapor recovery from gas stations.

Staff response: In February 2008, EPA implemented a Maximum Achievable Control Technology (MACT) standard to control exposure to benzene and other hazardous air pollutants (HAPs) emitted from gasoline. The federal rule applies only to the very largest stations in the nation with a monthly throughput of 100,000 gallons (about 83 stations in Utah). Our previous experience has been that controlling VOC is an effective way to reduce ambient ozone concentrations. We have also found that VOCs play an important part in the formation particulate matter during winter inversions in the Cache Valley.

When the ozone standard was first changed from a one-hour standard of 0.012 ppm to an 8-hour standard of 0.08 ppm, DAQ staff recommended and the board approved expanding Stage I into Utah and Weber counties. We believe expansion of Stage I played a significant role in the fact that we did attain the 0.08 ppm standard. We are now requesting the board to approve expanding this rule to all areas of Utah to control the emission of VOC, a precursor to ozone statewide.

As to the question of whether this rule is stricter than the corresponding federal rule governing the control of VOC emissions from gasoline storage tanks, we have found that there is no corresponding federal program to control VOC emissions from gasoline storage tanks; therefore, this rule is not stricter than a corresponding federal rule.

Comment #3: ~~UPMRA supports the adoption of submerged drop tubes for all UST's …… and remains firmly in favor of strictly following the Federal Guidelines.~~ In the spirit of compromise, a suggestion was made that UPMRA support the adoption of submerged drop tubes for all USTs, but concerns about tank tightness and the potential for leaks occurring directly below the drop tube have surfaced. Consequently, UPMRA remains firmly in favor of strictly following the Federal Guidelines.

Staff response. The Federal guidelines refer to 40 CFR 63 which specifically relate to HAP emissions. The following changes have been made in the rule text to more clearly define submerged fill pipe requirements. The italicized addition to the rule is verbatim from the federal reference document.

> **R307-328-5(1). Stationary Source Container Loading**
> No person shall transfer or permit the transfer of gasoline from any delivery vessel (i.e. tank truck or trailer) into any stationary storage container with a capacity of 250 gallons or greater unless such container is equipped with a submerged fill pipe *that extends to no more than twelve inches from the bottom of the storage tank for fill pipes installed on or before November 9, 2006, and no more than six inches from the bottom of the storage tank for fill pipes installed after November 9, 2006,* and at least 90 percent ……

R307. Environmental Quality, Air Quality.
R307-328. Gasoline Transfer and Storage.
R307-328-1. Purpose.

The purpose of R307-328 is to establish Reasonably Available Control Technology (RACT) for control of gasoline vapors during the filling of gasoline transport vehicles and storage tanks in Utah. The rule is based on federal control technique guidance documents. This requirement is commonly referred to as stage I vapor recovery.

R307-328-2. Applicability.

(1) Transport Vehicles. R307-328 applies to the owner or operator of any gasoline tank truck, railroad tank car, or other gasoline transport vehicle that loads or unloads gasoline in Utah.

(2) Gasoline Dispensing. R307-328 applies to the owner or operator of any bulk terminal, bulk plant, stationary storage container, or service station located in Utah <u>that dispenses 10,000 gallons or more in any one calendar month</u>.

(3) This rule applies to all transport vehicles and dispensing facilities that operate within Utah according to the compliance schedule defined in section 328-9 of this rule.

R307-328-3. Definitions.

The following additional definitions apply to R307-328.

"Bottom Filling" means the filling of a tank through an inlet at or near the bottom of the tank designed to have the opening covered by the liquid after the pipe normally used to withdraw liquid can no longer withdraw any liquid.

"Qualified contractor" means a contractor who has been qualified by the executive secretary in accordance with R307-342 to perform vapor tightness tests on gasoline transport vehicles.

"Submerged Fill Pipe" means any fill pipe with a discharge opening which is entirely submerged when the liquid level is 6 inches above the bottom of the tank and the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid.

R307-328-4. Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles.

(1) No person shall load or permit the loading of gasoline into any tank truck, trailer, railroad tank car, or other transport vehicle unless the emissions from such vehicle are controlled by use of a vapor collection and control system and submerged or bottom filling. RACT shall be required and in no case shall vapor emissions to the atmosphere exceed 0.640 pounds per 1,000 gallons transferred.

(2) Such vapor collection and control system shall be properly installed and maintained.

(3) The loading device shall not leak.

(4) The loading device shall utilize the dry-break loading design couplings and shall be maintained and operated to allow no more than an average of 15 cc drainage per disconnect for 5 consecutive disconnects.

(5) All loading and vapor lines shall be equipped with

fittings which make a vapor tight connection and shall automatically close upon disconnection to prevent release of the organic material.

(6) A gasoline storage and transfer installation that receives inbound loads and dispatches outbound loads ("bulk plant") need not comply with R307-328-4 if it does not have a daily average throughput of more than 3,900 gallons (15,000 or more liters) of gasoline based upon a 30-day rolling average. Such installations shall on-load and off-load gasoline by use of bottom or submerged filling or alternate equivalent methods. The emission limitation is based on operating procedures and equipment specifications using Reasonably Available Control Technology as defined in EPA documents EPA 450/2-77-026 October 1977, "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals," and EPA-450/2-77-035 December 1977, "Control of Volatile Organic Emissions from Bulk Gasoline Plants." The design effectiveness of such equipment and the operating procedures must be documented and submitted to and approved by the executive secretary.

(7) Hatches of transport vehicles shall not be opened at any time during loading operations except to avoid emergency situations or during emergency situations. Pressure relief valves on storage tanks and transport vehicles shall be set to release at the highest possible pressure, in accordance with State or local fire codes and National Fire Prevention Association guidelines. Pressure in the vapor collection system shall not exceed the transport vehicle pressure relief setting.

(8) Each owner or operator of a gasoline storage [—]or dispensing installation shall conduct testing of vapor collection systems used at such installation and shall maintain records of all tests for no less than two years. Testing procedures of vapor collection systems shall be approved by the executive secretary and shall be consistent with the procedures described in the EPA document, "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems," EPA-450/2-78-051.

(9) Semi-annual testing shall be conducted and records maintained of such test. The frequency of tests may be altered by the executive secretary upon submittal of documentation which would justify a change.

(10) The vapor collection and vapor processing equipment shall be designed and operated to prevent gauge pressure in the delivery vessel from exceeding 18 inches of water and prevent vacuum from exceeding 6 inches of water. During testing and monitoring, there shall be no reading greater than or equal to 100 percent of the lower explosive limit measured at 1.04 inches around the perimeter of a potential leak source as detected by a combustible gas detector. Potential leak sources include, but are not limited to, piping, seals, hoses, connections, pressure or vacuum vents, and vapor hoods. In addition, no visible liquid leaks are permitted during testing or monitoring.

R307-328-5. Stationary Source Container Loading.

1) No person shall transfer or permit the transfer of

gasoline from any delivery vessel (i.e. tank truck or trailer) into any stationary storage container with a capacity of 250 gallons or greater unless such container is equipped with a submerged fill pipe that extends to no more than twelve inches from the bottom of the storage tank for fill pipes installed on or before November 9, 2006, and no more than six inches form the bottom of the storage tank for fill pipes installed after November 9, 2006, and at least 90 percent of the gasoline vapor, by weight, displaced during the filling of the stationary storage container is prevented from being released to the atmosphere. This requirement shall not apply to:

(a) the transfer of gasoline into any stationary storage container of less than 550 gallons used primarily for the fueling of implements of husbandry if such container is equipped with a permanent submerged fill pipe;

(b) the transfer of gasoline into any stationary storage container having a capacity of less than 2,000 gallons which was installed prior to January 1, 1979, if such container is equipped with a permanent submerged fill pipe;

(c) the transfer of gasoline to storage tanks equipped with floating roofs or their equivalent which have been approved by the executive secretary.

(2) The 90 percent performance standard of the vapor control system shall be based on operating procedures and equipment specifications. The design effectiveness of such equipment and the operating procedure must be documented and submitted to and approved by the executive secretary.

(3) Each owner or operator of a gasoline storage tank or the owner or operator of the gasoline delivery vessel subject to (1) above shall install vapor control equipment, which includes, but is not limited to:

(a) vapor return lines and connections sufficiently free of restrictions to allow transfer of vapor to the delivery vessel or to the vapor control system, and to achieve the required recovery;

(b) a means of assuring that the vapor return lines are connected to the delivery vessel, or vapor control system, and storage tank during tank filling;

(c) restrictions in the storage tank vent line designed and operated to prevent:

(i) the release of gasoline vapors to the atmosphere during normal operation; and

(ii) gauge pressure in the delivery vessel from exceeding 18 inches of water and vacuum from exceeding 6 inches of water.

R307-328-6. Transport Vehicles.

(1) Gasoline transport vehicles must be designed and maintained to be vapor tight during loading and unloading operations as well as during transport, except for normal pressure venting required under United States Department of Transportation Regulations.

(2) The design of the vapor recovery system shall be such that when the delivery tank is connected to an approved storage tank vapor recovery system or loading terminal, 90% vapor recovery

efficiencies are realized. The connectors of the delivery tanks shall be compatible with the fittings on the fill pipes and vapor vents at the storage containers and gasoline loading terminals where the delivery tank will service or be serviced. Adapters may be used to achieve compatibility.

(3) No person shall knowingly allow the introduction of gasoline into, dispensing of gasoline from, or transportation of gasoline in a gasoline transport vehicle without a current Utah Vapor Tightness Certificate.

(4) A vapor-laden transport vehicle may be refilled only at installations equipped to recover, process or dispose of vapors. Transport vehicles that only service locations with storage containers specifically exempted from the requirements of R307-328-5 need not be retrofitted to comply with R307-328-6(1)-(3) above, provided such transport vehicles are loaded through a submerged fill pipe or equivalent equipment provided the design and effectiveness of such equipment are documented and submitted to and approved by the executive secretary.

R307-328-7. Leak Tight Testing.

(1) Gasoline tank trucks and their vapor collection systems shall be tested for leakage by a qualified contractor using procedures approved by the executive secretary and consistent with the procedures described in R307-342.

(2) Gasoline tank trucks and their vapor collection systems shall be tested for leakage annually between December 1 and May 1.

(3) The tank shall not sustain a pressure change of more than 750 pascals (3 inches of H_2O) in five minutes when pressurized (by air or inert gas) to 4500 pascals (18 inches of H_2O) or evacuated to 1500 pascals (6 inches of H_2O).

(4) No visible liquid leaks are permitted during testing.

(5) Gasoline tank trucks shall be certified leak tight at least annually by a qualified contractor approved by the executive secretary.

(6) Each owner or operator of a gasoline tank truck shall have in his possession a valid vapor tightness certification, which:

(a) shows the date that the gasoline tank truck last passed the Utah vapor tightness certification test; and

(b) shows the identification number of the gasoline tank truck.

(7) Records of certification inspections, as well as any maintenance performed, shall be retained by the owner or operator of the tank truck for a two year period and be available for review by the executive secretary or the executive secretary's representative.

R307-328-8. Alternate Methods of Control.

(1) Any person may apply to the executive secretary for approval of an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule. The application must include a demonstration that the proposed alternate produces an

equal or greater air quality benefit than that required by R307-328, or that the alternate test method is equivalent to that required by these rules. The executive secretary shall obtain concurrence from EPA when approving an alternate test method, an alternate method of control, an alternate compliance period, an alternate emission limit, or an alternate monitoring schedule.

(2) Manufacturer's operational specifications, records, and testings of any control system shall use the applicable EPA Reference Methods of 40 CFR Part 60, the most recent EPA test methods, or EPA-approved state methods, to determine the efficiency of the control device. In addition, the owner or operator must meet the applicable requirements of record keeping for any control device. A record of all tests, monitoring, and inspections required by R307-328 shall be maintained by the owner or operator for a minimum of 2 years and shall be made available to the executive secretary or the executive secretary's representative upon request. Any malfunctioning control device shall be repaired within 15 calendar days after it is found by the owner or operator to be malfunctioning, unless otherwise approved by the executive secretary.

(3) For purposes of determining compliance with emission limits, volatile organic compounds and nitrogen oxides will be measured by the test methods identified in federal regulation or approved by the executive secretary. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.

R307-328-9. Compliance Schedule.

(1) Effective May 1, 2000, all Facilities located in Davis, Salt Lake, Utah, and Weber Counties shall be in compliance with this rule.

(2) All other facilities located in Utah, shall be in compliance with this rule according to the following phase-in schedule:

(a) Facilities located in Box Elder, Cache, Tooele and Washington Counties shall be in compliance with this rule by April 30, 2009.

(b) Facilities located in Emery, Iron, Juab, Millard, Sevier, Summit and Uintah Counties shall be in compliance with this rule by April 30, 2010.

(c) All facilities located in Utah shall be in compliance with this rule by April 30, 2011.

([~~2~~]3) If this implementation schedule results in a scheduling and/or financial hardship for an individual facility, that facility may request a six-month extension from the Executive Secretary of the Utah Air Quality Board. A maximum of two six-month extensions may be granted. Regardless of extension requests submitted, all facilities must be in compliance with this rule not later than April 30, 2011.

([~~3~~]4) A request for an extension must be documented and contain valid reasons why a facility will not able to meet the

phase-in schedule indicated in ([~~1~~]2)(a) or (b) above. A late start on preparation or planning is not a valid reason to grant an extension. The request for extension must also contain a proposed implementation schedule that shows compliance to this rule at the earliest possible date, but no later than April 30, 2011.

R307-328-10 Authorized Contractors

(1) All modifications performed on underground storage tanks regulated by Title 19, Chapter 6, Part 4, the Utah Underground Storage Tank Act, to bring them into compliance with R307-328, shall be performed by contractors certified under R311-201.

KEY: air pollution, gasoline transport, ozone
Date of Enactment or Last Substantive Amendment: 2008
Notice of Continuation: March 15, 2007
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(1)(a)

~~concentration~~]. Residents of Salt Lake County, Davis County, or the affected areas of Utah and Weber Counties shall not use residential solid fuel burning devices or fireplaces except those that are the sole source of heat for the entire residence and registered with the executive secretary or the local health district office, or those having no visible emissions.

KEY: air pollution, woodburning, fireplaces, stoves
Date of Enactment or Last Substantive Amendment: [~~September 2, 2005~~]2008
Notice of Continuation: September 7, 2005
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104

Environmental Quality, Air Quality
R307-328
Ozone Nonattainment and Maintenance Areas and Utah and Weber Counties: Gasoline Transfer and Storage

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 31392
FILED: 05/07/2008, 15:32

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to extend Stage I vapor recovery requirements to all counties within the State of Utah.

SUMMARY OF THE RULE OR CHANGE: Stage I vapor recovery systems collect vapors resulting from the dispensing of gasoline to underground storage tanks. Stage I vapor recovery requirements were implemented in Salt Lake and Davis Counties in the 1980s and in Utah and Weber Counties in 1999. They have proven to be a successful method of controlling both volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions along the Wasatch Front. Based on 2005 data, it is estimated that approximately 3,595 tons of VOC and 282 tons of HAP have been prevented from entering the atmosphere along the Wasatch Front annually by implementation of Stage I vapor recovery systems. A growing information base indicates that the emission of ozone precursors and the subsequent formation of ozone is no longer an issue only along the Wasatch Front, but is a concern across a broad expanse of the intermountain west, including most of rural Utah. It is estimated that over 2,000 tons of VOC and HAP emissions could be eliminated annually if Stage I controls were implemented statewide. With the recent tightening of the National Ambient Air Quality Standard (NAAQS) for ozone, the Air Quality Board is proposing to expand the Stage I vapor recovery requirements throughout the State of Utah. Rules R307-342 and R307-328 work together to establish the Stage I vapor recovery requirements. Rule R307-328 requires gasoline transport vehicles and the bulk plants and service stations that receive gasoline from them to capture vapors released during transfer operations. Rule R307-342 requires that gasoline delivery equipment provide leak-tight loading and off-loading, and specifies procedures by which contractors may become certified to perform leak tightness tests. The Board is proposing a phase in compliance schedule so that larger commercially run companies with large numbers of stations could schedule the implementation of Stage I modifications. In addition, this phase-in process would allow smaller private facilities the opportunity to save for the up-front capital costs. The proposal allows for facilities to request two six-month extensions. However, all facilities must be in compliance with this rule not later than 04/30/2011.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There are approximately 129 tanks that are all part of the State Fuel Network that include Utah Department of Transportation facilities, school districts, universities, correctional facilities, and maintenance facilities. Total cost to modify these underground storage tanks will be approximately $96,750.
❖ LOCAL GOVERNMENTS: Approximately 6 local governments maintain approximately 16 underground gasoline storage tanks. Vapor recovery modification to these tanks will cost approximately $750 per tank for a total of $12,000.
❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: Small Businesses: It is estimated that approximately 400 underground storage tanks (UST) are operated by small business owners. Individual costs are estimated to be run between approximately $750 to $5,000 per tank modification, depending on type of modification and the amount of labor involved to modify each tank. Its estimated that 22% of the small business USTs are older than 20 years and would require more labor and equipment to modify the tanks. Estimated total cost for small businesses would be approximately $676,000. Other Persons: There may be some additional costs for tank trucks modifications. These are estimated to be approximately $320 per truck modification. It is impossible to estimate how many trucks will need to be modified. However, it is believed that nearly all tank trucks operating in Utah are already equipped with Stage I technology. No costs are anticipated to other persons not affiliated with gasoline delivery or dispensing facilities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Individual costs are estimated to be run between approximately $750 and $5,000 per tank modification, depending on type of modification and the amount of labor involved to modify each tank. The cost for each bulk plant modification will be approximately $750 per delivery station. However, the Division of Air Quality does not have through-put data on any of these rural bulk plants, but believes that several of them have through-puts less than 3,900 gallons per 30-day running period. This would exempt them from Stage I technology requirements. The cost for each delivery truck is approximately $320, but most trucks already are equipped.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Stage I vapor recovery systems have been found to be a successful method of controlling VOC and HAP emissions along the Wasatch Front. Benefit and cost parameters show that implementation of Stage I vapor recovery systems throughout the remainder of the State of Utah would be both cost effective and environmentally beneficial. Making this change now will protect our health, our quality of life, and the environment for years to come. Rick W. Sprott, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Mat E. Carlile at the above address, by phone at 801-536-4136, by FAX at 801-536-0085, or by Internet E-mail at MCARLILE@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 07/01/2008

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 6/11/2008 at 11:00 AM, Bear River Health Department Environmental Health Building, 85 E 1800 N, Main Conference Room, North Logan, UT; 6/17/2008 at 11:00 AM, The Mickelson Center, 50 E 400 S, Duchesne, UT; 6/17/2008 at 6:00 PM, Grand Center, 182 N 500 W, Room # 4, Moab, UT; 6/18/2008 at 11:00 AM, Sevier County Administration Building, 250 N Main Street, the Auditorium, Richfield, UT; 6/18/2008 at 7:00 PM, St. George City Hall, 175 E 200 N, City Council Chamber, St. George, UT; 6/19/2008 at 2:00 PM, Nephi City Office Building, 21 E 100 N, City Council Chamber, Nephi, UT; and 6/25/2008 at 2:00 PM, DEQ Building, 168 N 1950 W, Room 201, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2008

AUTHORIZED BY: Bryce Bird, Planning Branch Manager

R307. Environmental Quality, Air Quality.
R307-328. [~~Ozone Nonattainment and Maintenance Areas and Utah and Weber Counties:~~]Gasoline Transfer and Storage.
R307-328-1. Purpose.

The purpose of R307-328 is to establish Reasonably Available Control Technology (RACT) for control of gasoline vapors during the filling of gasoline transport vehicles and storage tanks in Utah.[~~ozone nonattainment and maintenance areas and Utah and Weber Counties.~~] The rule is based on federal control technique guidance documents. This requirement is commonly referred to as stage I vapor recovery.

R307-328-2. Applicability.

(1) Transport Vehicles. R307-328 applies to the owner or operator of any gasoline tank truck, railroad tank car, or other gasoline transport vehicle that loads or unloads gasoline in Utah[~~, or Weber County or any ozone nonattainment or maintenance area~~].

(2) Gasoline Dispensing. R307-328 applies to the owner or operator of any bulk terminal, bulk plant, stationary storage container, or service station located in Utah[~~, or Weber County or any ozone nonattainment or maintenance area~~].

(3) This rule applies to all transport vehicles and dispensing facilities that operate within Utah according to the compliance schedule defined in section 328-9 of this rule.

R307-328-9. Compliance Schedule.

[~~Sources located within any newly designated nonattainment area for ozone shall be in compliance with this rule within 180 days of the effective date of designation to nonattainment.~~

——]

(1) Effective May 1, 2000, all Facilities located in Davis, Salt Lake, Utah, and Weber Counties shall be in compliance with this rule.

(2) All other facilities located in Utah, shall be in compliance with this rule according to the following phase-in schedule:

(a) Facilities located in Box Elder, Cache, Tooele and Washington Counties shall be in compliance with this rule by April 30, 2009.

(b) Facilities located in Emery, Iron, Juab, Millard, Sevier, Summit and Uintah Counties shall be in compliance with this rule by April 30, 2010.

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(2) If this implementation schedule results in a scheduling and/or financial hardship for an individual facility, that facility may request a six-month extension from the Executive Secretary of the Utah Air Quality Board. A maximum of two six-month extensions may be granted. Regardless of extension requests submitted, all facilities must be in compliance with this rule not later than April 30, 2011.

(3) A request for an extension must be documented and contain valid reasons why a facility will not able to meet the phase-in schedule indicated in (1)(a) or (b) above. A late start on preparation or planning is not a valid reason to grant an extension. The request for extension must also contain a proposed implementation schedule that shows compliance to this rule at the earliest possible date, but no later than April 30, 2011.

R307-328-10. Authorized Contractors.

(1) All modifications performed on underground storage tanks regulated by Title 19, Chapter 6, Part 4, the Utah Underground Storage Tank Act, to bring them into compliance with R307-328, shall be performed by contractors certified under R311-201.

KEY: air pollution, gasoline transport, ozone
Date of Enactment or Last Substantive Amendment: [~~January 16, 2007~~]2008
Notice of Continuation: March 15, 2007
Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104(1)(a)

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